

Summary Guide

Final Rule to Update American Lobster Fishery Federal Management Measures

March 2003



About this Guide

This guide is a quick reference to the changes in federal rules governing the American lobster fishery that complement the interstate fishery rules promulgated in Addendum 1 to the most recent interstate plan amendment. It includes changes for access and effort in Areas 3, 4 & 5; new trap allocations for some New Hampshire operations; and clarification of lobster area boundaries off Massachusetts.

This guide is not a substitute for the actual final rule. To the extent that there are any inconsistencies between this guide and the final rule, information in the final rule supercedes information in this guide. You are strongly encouraged to obtain a complete copy of the final rule, issued on March 27, 2003, and published in the [Federal Register](#) (68 FR 14902).

The Final Rule, and relevant materials are also posted here: <http://www.nero.noaa.gov>

Measures in this Final Rule become effective April 28, 2003.

To Get A Hard Copy of the Final Rule

Send your request to the State, Federal, and Constituent Programs Office, NOAA Fisheries, 1 Blackburn Drive, Gloucester, MA 01930; phone 978-281-9278; or fax 978-281-9117.

Applications for Areas 3, 4, & 5 Access

All federal lobster permit holders will be mailed application packages for these areas. If you have a permit and have not received a package by the end of April, contact the regional office at the above address.

Confirmation of Permit History Applicants

Qualification requirements and the application deadlines for Areas 3, 4, or 5, also apply to a person who does not currently own a fishing vessel, but has received a **Confirmation of Permit History** to lawfully allow retention of the fishing and permit history for a qualifying vessel that has sunk, been destroyed, or transferred to another person.

Dates & Deadlines

Submit your application before July 31, 2003: continue to fish with traps in LCMAs 3, 4, or 5 through April 30, 2004, the end of the Federal fishing year, or until notified of qualification determination by NOAA Fisheries.

Submit your application August 1 - December 31, 2003: Current 2003 Federal permit to fish with traps in LCMAs 3, 4, or 5 will expire on August 31, 2003. If you do not submit your application by July 31, 2003, future access allowed only after the start of the 2004 fishing year, beginning May 1, 2004, only if qualified by NOAA Fisheries based upon historic participation application process.

Applications Postmarked After December 31, 2003: Will not be accepted. Federal lobster permit holders will be prohibited from fishing traps in Areas 3, 4, or 5 in the future.

Introduction

The fishery for American lobsters is governed through both interstate and federal management systems. This rule implements federal regulations consistent with the interstate management plan's Addendum 1 to Amendment 3. Federal rules to complement Addenda 2 and 3 are under consideration.

The [Atlantic States Marine Fisheries Commission](#) (ASMFC) devises fishery management plans for fishery stocks distributed across state jurisdictions, and/or between state and federal jurisdictions. For American lobster, the Commission develops plans for interstate waters. Individual states create rules to carry out the plan in waters and operations under their jurisdiction. The Commission recommends management measures for federal waters that complement its lobster plan goals. [NOAA Fisheries](#) then makes rules that complement the interstate plan and conform to applicable federal law in order to govern activities in federal waters by federal lobster permit holders.

American lobsters are found in both state and federal waters, and most of the lobster conservation [management areas](#) (LCMAs) in the plan have waters that fall in each jurisdiction. The ASMFC plan for interstate waters is formed by recommendations from industry-based management teams that make recommendations on how to manage operations in a zone in order to achieve sustainable fisheries.

Final Measures

Future Access Based on Historical Participation in [LCMAs 3, 4, and 5](#)

- Applies to trap fishing operations in Lobster Conservation Management Areas 3, 4, and 5.
- Qualification criteria determine which operations may fish with traps in each area.
- Documentation and an affidavit required to prove prior participation and prior effort levels to be used in setting trap limits for each operation that qualifies.

- **Does not** affect Federal lobster permit holders fishing only with mobile gear (such as trawls or dredges)

Important Deadlines and Dates for Transition to Revised Access Rules

- Instructions and application forms will be mailed to all Federal lobster permit holders.
- Federal lobster permit holders submitting applications before July 31, 2003 may continue to fish with traps in LCMAs 3, 4, or 5 through April 30, 2004, the end of the Federal fishing year, or until notified of their qualification determination by NOAA Fisheries.
- Federal lobster permit holders who do not apply by July 31, 2003 still have until December 31, 2003 to apply, however their current Federal permit to fish with traps in LCMAs 3, 4, or 5 will expire on August 31, 2003.

Historic Participation Qualification Criteria

In order to qualify to fish for lobster with traps in Area 3, 4, and/or 5, Federal lobster permit holders will need to meet the following criteria:

- Possess a current Federal limited access lobster permit.
- Have fished at least 200 lobster traps *in each Area selected*, during a two-consecutive calendar month period in any calendar year during the qualification period, from March 25, 1991, through September 1, 1999.
- **AREA 3 APPLICANTS:** Must also have landed at least 25,000 lb (11,340 kg) of lobster from any location (state or Federal waters throughout the range of the resource) during the year used as the qualifying year from March 25, 1991, through September 1, 1999. Applicants for Area 4 and/or Area 5 do not have a poundage requirement.

Area 3/4/5 - Qualifying for More than One Lobster Management Area

- Federal lobster permit holder applying for access to Areas 3, 4, or 5, or all three areas, must use the same qualifying year for all areas; *and the present requirement that Federal permit holders who fish in more than one area abide by the most restrictive rules in all areas is unchanged.*

Appeals

- In certain limited circumstances, if an initial application is denied, that person may appeal the denial to the NOAA Fisheries Regional Administrator.

- All appeals must be in writing and must be submitted to the Regional Administrator postmarked no later than 45 days after the date of the initial Notice of Denial.

Effort Control--Trap Allocations

Area 3 - Trap Allocations

- Once qualified, no one will be given an initial allocation of more than 2,656 traps.
- Allocations of more than 1,200 traps will be reduced annually over a four-year period.
- Trap reductions will not go below a baseline of 1,200 traps.
- Each initial allocation in Area 3 of fewer than 1,200 traps will remain at that allocation.

Area 4 and 5 - Trap Allocations

- Once qualified, traps will be allocated, based upon the number of traps fished during the qualifying year.
- No one will be given a trap allocation of more than 1,440 lobster traps.

Area 3/4/5 - Trap Allocations

- **NOTE:** Federal lobster permit holder applying for trap allocations in Areas 3, 4, or 5, or all three areas, must use the same qualifying year for all areas; the present requirement that Federal permit holders who fish in more than one area abide by the most restrictive rules in all areas is unchanged.

Effort Control--Conservation Equivalent Trap Limits for Area 1 Fishery

Area 1 Trap Limits for NH Lobster License Holders

- A waiver will be allowed for Federal lobster trap permit holders in Area 1 who also have a valid New Hampshire full commercial lobster license to fish up to 1200 traps in state waters, but no more than 800 traps in Federal waters (the same as at present) .

Boundary Clarification

- Boundary lines will be [revised](#) for Area 1, Area 2, and the Outer Cape Area.
- **Cape Cod Canal Overlap**
 - the Cape Cod Canal will be considered an area of overlap between Areas 1 and 2.
- **Overlap between Area 1 and the Outer Cape Boundary**
 - extends the boundary line to the shoreline of Massachusetts and created an area of overlap between Area 1 and the Outer Cape Area in the area adjacent to Provincetown, Massachusetts.
- **Boundary Change Between Area 2 and The Outer Cape**
 - revise the boundary separating Area 2 and the Outer Cape Area, which runs from the southeastern tip of Cape Cod to Nantucket Island, by shifting it west by 5 minutes of longitude, from 70° W. Long. to 70° 05' W. Long.

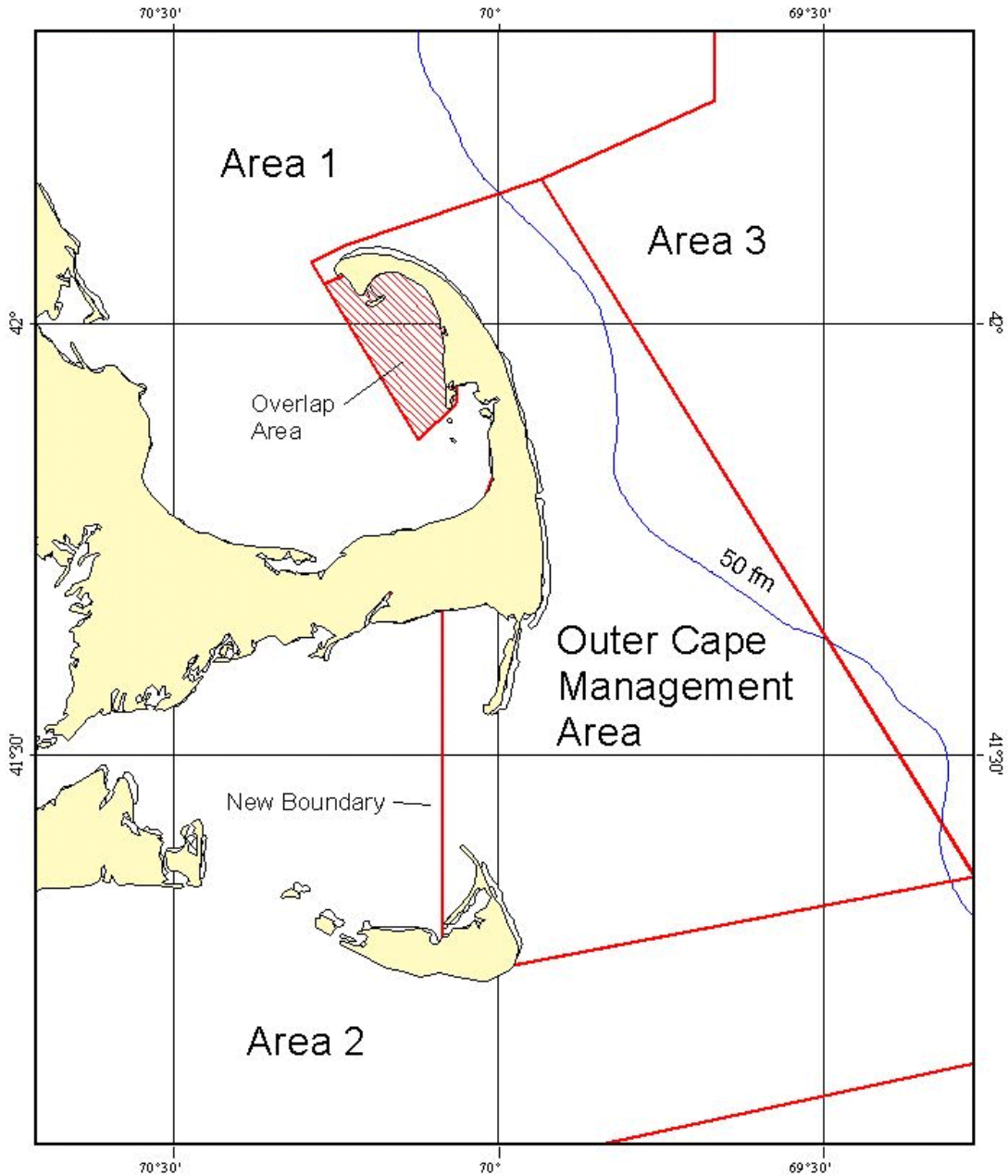
Future Conservation Equivalency Proposals

- Future conservation equivalency recommendations formally submitted to the agency in writing by the ASMFC must contain the following supporting information:
 - a description of how Federal regulations would be modified;
 - an explanation of how the recommended measure(s) would achieve a level of conservation benefits for the resource equivalent to the applicable Federal regulations;
 - an explanation of how Federal implementation of the conservation equivalent measure(s) would achieve plan objectives, be consistent with the Magnuson-Stevens Act national standards, and be compatible with the effective implementation of the plan;
 - a detailed analysis of the biological, economic, and social impacts of the recommended conservation equivalent measure(s).

Lobster Trap Tag Requirements

- clarify requirements to attach lobster trap tags to all traps fished in any portion of any LMA, whether in state or federal waters.

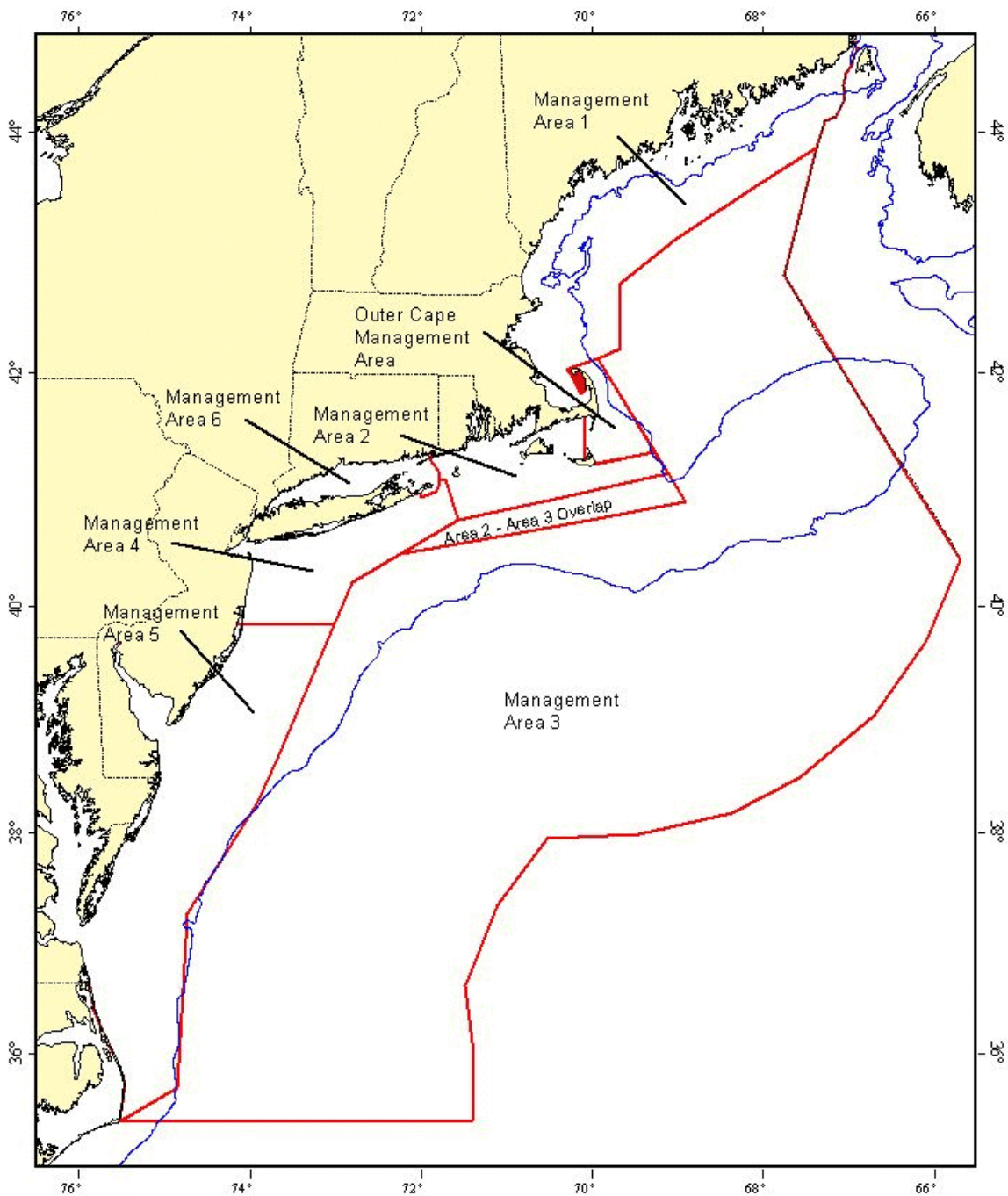
American Lobster Management Areas



NOAA Fisheries
Northeast Regional Office
Gloucester, MA

3/18/03

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